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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION TWO

In re C.E., Jr., et al. Persons Coming Under
the Juvenile Court Law.

C.E., Sr.,

Petitioner,

v.

THE SUPERIOR COURT OF CONTRA
COSTA COUNTY,

Respondent;

CONTRA COSTA COUNTY CHILDREN
AND FAMILY SERVICES BUREAU,

Real Party in Interest.

A148954

(Contra Costa County
Super. Ct. No. J15-00219)

Petitioner, father of 10-year-old C.E., Jr., seeks review by extraordinary writ, pursuant to California Rules of Court, rule 8.452, of the juvenile court's orders terminating reunification services and setting the matter for a permanency planning hearing, pursuant to Welfare and Institutions Code¹ section 366.26. Father contends (1) substantial evidence does not support the juvenile court's finding that returning the children to his care would place them at substantial risk of harm; (2) substantial evidence does not support the court's finding that the Contra Costa County Children and Family

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

Services Bureau (Bureau) provided him with reasonable services; and (3) reunification services should have been extended beyond 18 months as to C.E. and J.L. We shall deny the petition for extraordinary writ.

FACTUAL AND PROCEDURAL BACKGROUND²

On July 22, 2014, the Bureau filed an original non-detained petition, pursuant to section 300, subdivision (b), alleging, inter alia, that then eight-year-old C.E. and seven-year-old J.L. were at substantial risk of harm due to the parents' domestic violence; the most recent incident had occurred on July 11.

In a detention/jurisdiction report filed on July 23, 2014, the social worker reported that C.E. and his half sister A.O. were currently in the home of their mother (Mother).³ J.L. was in Father's home. Father had taken both C.E. and J.L. from Mother's home, but police returned C.E. to Mother after she was able to produce family court custody papers showing that she had sole legal and physical custody of him. Police would not return J.L. to Mother because she had no custody papers for him.

The social worker reported that the Bureau had received four referrals regarding the family between April 23 and July 15, 2014. The first referral, received on April 23, alleged that Mother was using methamphetamine in the children's presence, Father was selling methamphetamine, and there was no food in the home. The second referral, received on May 22, alleged that Father had been sexually abusing 12-year-old A.O., forcing her to perform oral sex on him. It was also alleged that two of Mother's older daughters had previously been removed from the home due to Father's sexual abuse.⁴ It

² Many of the facts regarding events that occurred before Father's prior appeal in this matter, in which he challenged a single component of his case plan, are taken from our nonpublished opinion in that appeal. (See *In re C.E.* (Mar. 4, 2016, A145402) [nonpub. opn.])

³ Neither Mother nor her daughter A.O. is a party to this petition. We will therefore discuss evidence related to them only to the extent it is relevant to Father's claims.

⁴ These two children, now teenagers, were in permanent placement in Alameda County.

was believed that Mother was not protecting A.O. and that the two boys were also “at ‘possible’ risk.” Due to removal of the older daughters, Father was not allowed to be in the family home, but the reporter believed he was back in the home. The third referral, received on July 14, alleged that Father and Mother were sexually abusing one of Mother’s older daughters. When this information came to light, Father “left the home with his sons.” The fourth referral, received on July 15, alleged general neglect by Mother, who was hiding the children when the Bureau came to the house. It was also alleged that there was no food or electricity in the home and that Mother “does crank.”

On July 17, 2014, an emergency response worker interviewed C.E., who seemed like a happy child and who denied being harmed by anyone in the home. He said that Father had “kidnapped” J.L., but this had “ ‘only happened one time.’ ” C.E. did not seem defensive, but he seemed to have rehearsed what he was going to say. The emergency response worker also interviewed Mother on July 17. Mother said Father had sneaked into the house and taken the two boys. She said she was not sure how Father would have had the opportunity to molest A.O., who was always with Mother. Mother also acknowledged that there was domestic violence in her relationship with Father, and that Father had recently beaten her with a belt. Mother agreed to file a restraining order against Father, to avoid having the children removed from her care.

The emergency response worker had received a phone call from Father on July 17, 2014. Father said that Mother had asked him to come to the home to help her because the utilities had been disconnected, and she had agreed to let him stay there for a couple of nights. He said that he had found Mother whipping his sons with a belt, and therefore took off his belt and whipped Mother with it. He then decided to leave with his sons. Father also denied sexually molesting any of the children.

The family had had multiple referrals to the Bureau over many years. In 2007, Mother’s two older daughters had been removed and allegations that Father sexually abused them had been substantiated. Those two children remained in permanent placement. Another of Mother’s daughters had been removed in 2012 because she suffered from life threatening Type 1 diabetes, which Mother had failed to appropriately

monitor. That child was now in permanent placement. An investigation was ongoing regarding new allegations of sexual abuse involving A.O. and Mother's oldest daughter.

The Bureau recommended that the court detain C.E. and J.L. from Father, and further recommended that C.E., J.L., and A.O. remain in Mother's custody.

At the detention hearing on July 23, 2014, the juvenile court followed the Bureau's recommendations and detained C.E. and J.L. from Father only.⁵

At the September 15, 2014 jurisdiction hearing, both parents pleaded no contest to the allegations in the petition regarding domestic violence and the juvenile court sustained the counts containing those allegations.

On October 30, 2014, the Bureau filed a subsequent petition, alleging that Mother failed to protect C.E., J.L., and their half sister A.O. from a substantial risk of domestic violence and sexual abuse in that she had failed to obtain a permanent restraining order against Father, she had failed to participate in domestic violence services, and her two oldest daughters had become dependents partly due to allegations of physical and sexual abuse against Father that the Alameda County Juvenile Court found to be true on May 30, 2007.

On October 31, 2014, the juvenile court ordered the children detained.

At the February 11, 2015 jurisdiction hearing on the subsequent petition, Mother admitted, and the court found true pursuant to subdivision (g)(1) of section 300, an amended allegation in the subsequent petition that stated, "Mother is presently unable to provide adequate care and protection for the child due to her health concerns and delay in obtaining a domestic violence restraining order and an adequate safety plan."

On February 16, 2015, Mother gave birth to A.P., who tested positive at birth for amphetamines. The Bureau filed a petition on February 23, which alleged, inter alia, that Mother had stated that she did not want to parent this child. On February 24, the court

⁵ On August 29, 2014, the court found Father to be the presumed father of both C.E. and J.L.

ordered A.P. detained and at the March 16 jurisdiction hearing, the court sustained the allegations in the petition.

In a March 20, 2015 disposition report related to C.E. and J.L., the social worker reported that the boys were currently placed in a foster home. Father denied that any of the events described in the current or previous dependencies that involved him had occurred. The social worker believed that Father's "unaddressed domestic violence history and sexual abuse history prevents him from being a safe parent for his sons at this time." The Bureau recommended that the juvenile court order reunification services for both parents. It recommended that the case plan for Father include participation in a sexual abuse perpetration program, a domestic violence program; general counseling; parenting education; substance abuse testing; and, if indicated by positive drug tests, completion of an inpatient drug treatment program.

Also on March 20, 2015, the juvenile court ordered reunification services for the parents with respect to C.E. and J.L., as recommended by the Bureau, with the exception of the requirement that Father participate in a sexual abuse perpetration program. The court set a contested hearing as to that component of Father's reunification plan.

In a memorandum filed on April 10, 2015, the social worker addressed the sexual abuse counseling component of the reunification plan, describing the juvenile court history relevant to that issue. After a petition was filed in February 2007, on behalf of Mother's two oldest daughters who were then 8 and 10 years old, the juvenile court had sustained a count regarding sexual abuse by Mother's boyfriend—identified as Father—on May 30, 2007. One of the girls had described an incident in which Father instructed her to remove her clothes and lay on the floor, after which he performed oral sex on her. She continued to maintain that Father had sexually abused her. The social worker noted that Father denied having sexually abused the child, but the social worker believed "the incident that led to the above dependency is so severe as to cause significant concern regarding [Father's] ability to safely parent his sons[,] as well as to provide appropriate role-modeling to them."

At the contested disposition hearing regarding C.E. and J.L., which took place on April 10, 2015, Father's counsel argued against a case plan requirement of participation in sexual abuse counseling. Counsel observed that, although the juvenile court had found true the 2007 sexual abuse allegation, Father was not a party to that matter, was not called as a witness, had denied committing the sexual abuse, and was never criminally prosecuted. In addition, in the present matter, the sustained counts in the original petition did not involve sexual abuse. Counsel for the Bureau responded that she understood counsel's concerns, and suggested that "what is really appropriate would be more of—that [Father] attend a sexual abuse evaluation and then follow the recommendations." Both counsel acknowledged a "split" in the case law regarding whether sexual abuse of a child of one gender makes a home unsafe for a child of the other gender.

At the conclusion of the hearing, the juvenile court modified the suggested reunification plan component to require that Father engage in a sexual abuse assessment and follow the program's recommendations. The court explained the basis for its order: "One of the girls that was the alleged victim still says yes it happened, Father says no, it didn't. So there's some concern the court has about child abuse or child sexual abuse. That leads me to believe that an assessment is the best reasoned result to find out whether, in this case, there's some indication of sexual abuse of children tendencies [*sic*]."

Father subsequently filed an appeal challenging only this component of his case plan and on March 4, 2016, this court affirmed the juvenile court's order. (*In re C.E.*, *supra*, (A145402).)

In the disposition report related to the new baby A.P., which was prepared on April 10, 2015, the social worker reported that A.P. had been placed in a concurrent foster home and was developmentally on target. Mother had indicated that she did not wish to be involved in caring for A.P., but did want "the best for him." The social worker described Father as "an intelligent individual who presents well and has shown that he can follow through with seeking and engaging in services. Despite these strengths, [he] has shown a limited willingness to admit to his role in domestic violence with [Mother],

denies having ever struck his children, and denies sexually abusing [Mother's] children” Assuming Father was found to be A.P.’s biological father, the Bureau did not believe he was “an appropriate candidate for custody at this time.”

In a memorandum filed on June 24, 2015, the social worker reported that, following paternity testing, Father was determined to be the biological father of A.P. The Bureau, however, recommended against raising his status to that of presumed father or providing him with reunification services. On June 29, the court raised his status to that of presumed father of A.P.

At the July 17, 2015 dispositional hearing, the court declared A.P. a dependent of the court and ordered reunification services for Father.

In a status review report prepared for the September 4, 2015 hearing regarding C.E. and J.L., the social worker reported that the two boys and their half sister were placed together in foster care. Father was in partial compliance with his case plan. He was not in compliance with the requirements that he participate in domestic violence services, parenting classes, individual counseling, and therapeutic visitation. He was in compliance with the substance abuse testing requirement in that he had never missed a drug test and had not tested positive for any substance. He was in progress with the sexual abuse assessment in that he had agreed to participate in a polygraph test as the next step in his evaluation, but the test had not yet been scheduled. The social worker believed that, based on the current level of participation in reunification services, “the prognosis of returning the children to either parent is poor.” The Bureau nevertheless recommended continued reunification services for both parents as to the two older boys.

At a September 4, 2015 status review hearing regarding C.E. and J.L., Father submitted the matter on the status review report’s recommendations that he receive additional reunification services. The court adopted those recommendations.⁶

⁶ At the hearing, the children’s attorney told the court that the parents had missed many visits and that the children were very disappointed when they failed to show up. The court emphasized the importance of those visits and encouraged the parents to commit to visiting the children.

In a January 6, 2016 status review report related to A.P., the social worker reported that Father was in progress with some of his case plan requirements. He had completed an intake and orientation for a domestic violence program in Alameda County. He then missed three of nine scheduled classes before he was terminated for nonpayment of fees. Father notified the social worker of the termination in October 2015, at which time he requested referrals for services in Contra Costa County. The social worker provided Father with referrals in Contra Costa County for general counseling, a domestic violence program, and parenting education. In a meeting with the social worker in November 2015, Father said that it was very difficult for him to engage in services in Contra Costa County while living and working in Alameda County, and asked to complete all of his service responsibilities at Allen Temple Ministries in Alameda County. Father also told the social worker that he planned to participate in therapy at Allen Temple Ministries.

Father had not yet provided the social worker with evidence of participation in parenting education, but had participated in random drug testing. He had tested positive for cocaine in November 2015, but all other tests were negative. Due to the positive drug test, Father had been referred in December 2015 to an outpatient drug treatment program for an assessment. With respect to his sexual abuse risk assessment, Father had missed a scheduled polygraph test in October 2015, but had immediately rescheduled the test for January 2016. The test was pending.

The social worker further related that, although Father had made only limited progress in his case plan, “he appears to have made a sincere attempt to address some of the issues of concern.” His lack of progress may have been partly due to a misunderstanding regarding payment to a service provider. The Bureau therefore recommended, as to A.P., that services be extended to ensure that Father had ample opportunity to fulfill his case plan responsibilities.

In a status review report related to C.E. and J.L., prepared on February 4, 2016, the social worker recommended termination of reunification services for both parents. Father was not in compliance with most of his case plan requirements, including general

counseling, domestic violence services, parenting education, and substance abuse services. He was in compliance with his substance abuse testing requirement, although he had tested positive for cocaine in November 2015.

Father was also in progress with the sexual abuse evaluation in that he had been rescheduled for a polygraph test at the program, A Step Forward. During the pre-test interview, however, he had made an admission, which the psychologist described as follows: “[Father] states that he woke up to [Mother’s older daughter] performing oral sex, but that he did not stop her for about another 30 seconds. [He] states that he had an ongoing sexual relationship with [the now adult child] in the past, but it had recently stopped because someone owes someone money. Due to the child’s age at this time, he did not commit a crime. He has not done anything toward the boys and I [the psychologist] would not say that it is unsafe for the boys to be around [him]. This does not mean that he cannot receive appropriate interventions to ensure that he does not have any issues with boys. In my opinion he will also need a lot of help with parenting education.” Because of Father’s admission, the program staff had decided not to move forward with the polygraph testing.

Due to family emergencies and deaths in the families of the social worker and Mother, the subsequent hearing was repeatedly continued until July 11, 2016. This was officially the six-month review hearing for A.P. and the 12-month review hearing for C.E. and J.L., although it had in fact been over 17 months since A.P. was detained and almost 24 months since C.E. and J.L. were detained.

In a memorandum prepared for the July 11, 2016 hearing, the social worker reported that Father had been participating in domestic violence/anger management services and parenting education classes since January 2016. He had said he was participating in general counseling services as well, but had not provided the social worker with any evidence of such participation. With respect to substance abuse services, he had tested positive for cocaine once, in November 2015, and for

benzodiazaphine twice,⁷ on January 15 and 19, 2016. In December 2015, the social worker had referred Father to an out-patient drug treatment program for an assessment due to the positive drug test, but he had not followed through with the referral. He did, however, begin participation in relapse prevention classes and groups at Highland Hospital.

The social worker further reported that the Bureau recognized the progress that Father had made in his case plan since January 2016, but it continued to have concerns about his ability to care for the children. Father “had a year to work on his case plan goals and only just engaged in services within the last six months. Additionally, he continues to struggle with locating and maintaining appropriate housing for himself, let alone the children, over the last twelve months.” The Bureau therefore did not believe that the children could safely return to Father’s care even if he were provided with an additional six months of services. The Bureau therefore recommended, as to C.E. and J.L., that the court terminate reunification services and set the matter for a section 366.26 hearing. As to A.P., the Bureau initially recommended that Father receive an additional six months of reunification services. However, it subsequently recommended that reunification services be terminated as to A.P. also, due to Father’s belated engagement in reunification services.

At the July 11, 2016 hearing, the social worker testified that Father had not begun to participate significantly in his reunification services until January 2016. He was now participating in a domestic violence and anger management program, and had completed a parenting education course. He had been testing clean for all substances since January 19. He had also begun participating in a relapse prevention program. He still had not provided evidence that he was engaged in individual therapy, which was an important part of his case plan. Father had delayed taking a polygraph test that was scheduled for October 2015, as part of his sexual abuse assessment. The test had been scheduled

⁷ Father had claimed that he did not know how the benzodiazaphine had gotten into his system.

because of his insistence that he had not sexually abused Mother's older daughter. When he finally acknowledged the improper sexual contact to the polygraph examiner just before he was to take the polygraph test in January 2016, the test was cancelled. Father subsequently denied having had any inappropriate sexual contact with the child.

In addition, Father had been consistently visiting all of the children for only the past three months. The Bureau had also previously set up therapeutic visitation for Father and the older children, but it was terminated after Father repeatedly failed to attend the sessions, which was disappointing for the children.

The social worker did not believe it would be safe to return the children to Father's care due to the fact that he was "still early on in his case plan." In particular, she was concerned that his failure to complete the individual therapy requirement of his plan could lead to a relapse. The social worker was also concerned about Father's continuing lack of insight into the problems that had led to the dependencies, his continuing blame of Mother for what had happened, and his lack of honesty.

At the conclusion of the hearing, the juvenile court ruled as follows: "I am absolutely satisfied the recommendations are correct that the [Bureau] is making. Father has not completed his case plan. In the areas where he has participated in the last four or five months, that's good. That's important for Father and for any future relationship he has with these children. But it is woefully late and woefully inadequate.

"The domestic violence is way less than halfway done. That case for the two older boys is two years old. We can't continue services forever. For the child, the baby, that case is 17 months old. There's no evidence before me that it will be safe to return these children to Father at this time.

"What he chooses to do in the future, what his attorney can do with a motion, if appropriate, to change court orders, that's for future production, and we'll see what happens with that. But I must decide as of today."

The court added, with respect to the sexual abuse allegations, "Father's saying it wasn't true and that strung this case out for a long time. And just as we're about to do the lie detector test, dad doesn't do a lie detector and said—he says, Oh, I guess I did

something for 30 seconds that I shouldn't have done. We don't do lie detector tests because there's an admission.

"Later on you go to the social worker [and say], Well, no, there's really no proof, and by the way, Mother was doing it, not the child. . . . [T]he lie detector test has never been accomplished. It's clear from abundant evidence nobody does a lie detector test when someone admits sexual abuse. That's what it would have been six months ago, 12 months ago, 18 months ago, and even 24 months ago if there had been an admission."

The court concluded: "So this case has gone on long enough. There's no reason to return the children to Father. [¶] . . . I'm prepared to adopt the recommendations in the July 11th report regarding Father as to [J.L.] and [C.E.] and the amended recommendations for [A.P.] as to Mother and Father. I'm prepared to adopt those recommendations." The court therefore terminated reunification services and set a section 366.26 hearing for October 17, 2016, as to all three children.

After Father filed a notice of intent to file writ petition, we ordered the proceedings in the juvenile court temporarily stayed, pending determination of the petition.

DISCUSSION

I. The Juvenile Court's Failure to Return the Children to Father's Care

Father contends substantial evidence does not support the juvenile court's finding that returning the children to his care would place them at substantial risk of detriment.

Section 366.22, subdivision (a), directs that, if the juvenile court finds, by a preponderance of the evidence, that return of a child to his or her parent "would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child," the court must terminate reunification services and hold a section 366.26 hearing within 18 months after the date the child was removed from the parent's physical custody, upon a finding that reasonable services were offered or provided. (§ 366.22, subd. (a)(1) & (a)(3); see also § 361.5, subd. (a)(1)(A).) This "substantial detriment" standard " 'must be construed as a fairly high one. It cannot mean merely that the parent in question is less than ideal, did not benefit from the reunification services as much as

we might have hoped, or seems less capable than an available foster parent or other family member.’ It must mean what it says: that return presents a *substantial* risk of detriment to the child.” (*Rita L. v. Superior Court* (2005) 128 Cal.App.4th 495, 505.)

Section 361.5, subdivision (a)(1)(B), which governs the provision of reunification services for younger children, provides that, “[f]or a child who, on the date of initial removal from the physical custody of his or her parent or guardian, was under three years of age, court-ordered services shall be provided for a period of six months from the dispositional hearing . . . but no longer than 12 months from the date the child entered foster care . . . unless the child is returned to the home of the parent or guardian.”

Our review of the juvenile court’s finding of detriment involves reviewing the record to determine whether there is substantial evidence to support the finding. (*Angela S. v. Superior Court* (1995) 36 Cal.App.4th 758, 763.)

Here, Father argues that, at the time of the July 11, 2016 hearing, he had been participating in reunification services for the past six months. Although he had not participated in individual counseling, he states that “it would seem to be duplicative of the programs he is already in[,] based on the testimony of the social worker. [Citation.]” He further observes that after he admitted to inappropriate sexual contact with Mother’s older daughter, the Bureau did not recommend any additional services. He asserts that he therefore cannot be found to have failed to comply with the sexual abuse assessment requirement. Finally, he states that visitation had been going well for the three-month period before the hearing.

Father’s belated compliance with only some of his case plan requirements does not provide substantial evidence that it would be safe to return the children to his care. The two older boys had been detained almost two years earlier and A.P. some 17 months earlier, but Father had only begun participating in services in earnest six months before the July 2016 hearing. He had also repeatedly failed to show up for therapeutic visitation

with the older boys,⁸ and had not consistently visited any of the children until three months before the July hearing. In addition, Father had finally admitted to inappropriate sexual contact with Mother's older daughter, just as he was about to take a polygraph test.⁹ As the juvenile court noted, "Father's saying it wasn't true" until moments before the polygraph test was to be administered "strung this case out for a long time."

The social worker testified that she was concerned about Father's lack of insight into the problems that had led to the dependencies, his ongoing blame of Mother for all that had happened, and his lack of honesty. With respect to his belated participation in services, the social worker was particularly troubled by his failure to complete the individual therapy requirement because of the danger of relapse.¹⁰ In finding detriment, the juvenile court described Father's participation in services as "woefully late and woefully inadequate."

In sum, although the evidence shows that Father had begun to participate in some reunification services, he did not come close to satisfying his case plan requirements or demonstrating an ability to safely care for these three children. As another appellate court explained in a similar context, "[t]he juvenile court had the duty to evaluate [the parent's] efforts against his previous failings, and, more importantly, to evaluate the likelihood that he would be able to maintain a stable, sober and noncriminal lifestyle for

⁸ The social worker had explained in the March 2015 disposition report that therapeutic visitation was implemented because, as Father was aware, "the children [had] expressed concern regarding visits with him due to some concerns about him having '[kid]napped' them previously. [Father was] dedicated to working on rebuilding trust with his children, and [was] looking forward to therapeutic visits beginning soon in order to address this concern as completely as possible."

⁹ Thereafter, as the social worker testified, Father again denied having had any inappropriate sexual contact with the child.

¹⁰ Father questions the propriety of using the social worker's concern about his lack of appropriate housing to support the finding of a substantial risk of detriment. (See, e.g., *In re G.S.R.* (2008) 159 Cal.App.4th 1202, 1212-1213.) Father's lack of appropriate housing, however, was by no means the social worker's only concern and, more importantly, the court did not rely on this fact.

the remainder of [his child's] childhood. [The parent's] belated compliance with reunification efforts is not definitive on this issue.” (*In re Brian R.* (1991) 2 Cal.App.4th 904, 918.) Substantial evidence supports the juvenile court's determination that C.E., J.L., and A.P. would suffer a substantial risk of detriment to their well-being if they were returned to Father's custody. (See *Angela S. v. Superior Court*, *supra*, 36 Cal.App.4th at p. 763.)¹¹

II. The Juvenile Court's Reasonable Services Finding

Father contends substantial evidence does not support the court's finding that the Bureau provided him with reasonable services.

“The court shall not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent” (§ 366.21, subd. (g)(1)(C); accord, § 361.5, subd. (a)(3).)

“ ‘[T]he focus of reunification services is to remedy those problems which led to the removal of the children.’ [Citation.] A reunification plan must be tailored to the particular individual and family, addressing the unique facts of that family. [Citation.] A social services agency is required to make a good faith effort to address the parent's problems through services, to maintain reasonable contact with the parent during the course of the plan, and to make reasonable efforts to assist the parent in areas where compliance proves difficult. [Citation.] However, in most cases more services might have been provided and the services provided are often imperfect. [Citation.] ‘The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.’ [Citation.]” (*Katie V. v. Superior Court* (2005) 130 Cal.App.4th 586, 598-599 (*Katie V.*);

¹¹ Father states that A.P.'s case was set for a six-month hearing and, “[t]herefore, reunification services could have been extended to the father for another six months. The court declined to do so.” The evidence, however, supported the court's determination that Father had failed to make substantial progress with his case plan and that there was not a substantial probability that A.P. would be returned to Father if reunification services were extended. (See § 366.21, subd. (e)(3).) In addition, A.P. had already been out of Father's custody for over 17 months when the court terminated reunification services.

see also *In re Riva M.* (1991) 235 Cal.App.3d 403, 414 [a reasonable services finding is appropriate when the record shows “that the supervising agency identified the problems leading to the loss of custody, offered services designed to remedy those problems, maintained *reasonable* contact with the parents during the course of the service plan, and made *reasonable* efforts to assist the parents in areas where compliance proved difficult”].)

We review the juvenile court’s reasonable services findings for substantial evidence, “reviewing the evidence in a light most favorable to the prevailing party and indulging in all legitimate and reasonable inferences to uphold the court’s ruling.” (*Katie V.*, *supra*, 130 Cal.App.4th at p. 598.)

Here, Father supports his claim regarding the lack of reasonable services with the following abbreviated discussion: “There were delays in getting the father set up with services in Contra Costa County and he ended up obtaining services in Alameda County, on his own. Those services turned out to be sufficient for Contra Costa County. There was a change of social workers in October, 2015 [citation] which appears to have caused some confusion of where the father was to participate in services. [Citation.] As previously argued there was no follow up referral after the father admitted inappropriate contact with the minors’ step-sibling. This appears to have concerned the court. [Citation.] Additionally, as previously indicated, the social worker testified that there was a concern over father’s housing [citation] yet the record is void of any services provided for housing.”

With respect to the purported delay in receiving services in Contra Costa County, the social worker explained in the January 6, 2016 status review report related to A.P. that Father began services in Alameda County, but then requested referrals for services in Contra Costa County. After the social worker provided Father with referrals in Contra Costa County for general counseling, a domestic violence program, and parenting education, Father told the social worker in November 2015 that it was difficult for him to engage in services in Contra Costa County while living and working in Alameda County. He therefore asked to complete all of his service responsibilities at Allen Temple

Ministries in Alameda County, which is where he was engaged in most of his services at the time of the July 2016 hearing. The evidence does not support Father's assertion that the delays in his participation in services were caused by the Bureau.

Regarding the Bureau's failure to make any referrals after Father admitted the inappropriate sexual contact with Mother's older daughter, the evidence shows that A Step Forward started the risk assessment process with Father in August 2015, but it was not until January 2016, just before he was to be administered a polygraph test, that Father admitted the sexual contact. It was thus Father's long-term failure to admit the conduct that caused the delay. Moreover, the reporting psychologist "would not say that it is unsafe for the boys to be around" Father, although he could receive appropriate interventions to ensure he had no issues with boys. The psychologist also believed Father would "need a lot of help with parenting education." Father's case plan included parenting education and therapy and, although he failed to participate in the latter service, both of these services were appropriate to help Father address this issue. It is true that a referral to additional interventions at A Step Forward would have been appropriate if the Bureau continued to have concerns about the safety of the boys in this regard after hearing from the psychologist. However, the court did not rely on Father's admission itself when it terminated reunification services. Rather, it found that Father's lengthy delay in acknowledging the sexual abuse was part his overall failure to timely participate in services. Indeed, as noted, even after making this admission, Father again began to deny any inappropriate sexual contact.

Finally, as noted, the juvenile court did not rely on Father's housing situation when it terminated reunification services.

Substantial evidence supports the juvenile court's finding that reasonable services were provided. (See *Katie V.*, *supra*, 130 Cal.App.4th at p. 598.)

III. *The Juvenile Court's Failure to Extend Reunification Services Past 18 Months as to C.E. and J.L.*

Although Father acknowledges that reunification services for children over three years old normally may be extended only to 18 months from removal, he argues that

special circumstances present in this case warrant an extension of reunification services as to C.E. and J.L.

First, Father does not appear to have raised this issue in the juvenile court. His counsel argued only that reasonable services had not been provided and that return of the children would not create a substantial risk of detriment. The issue is therefore forfeited. (See *In re S.B.* (2004) 32 Cal.4th 1287, 1293.)

In any event, Father has pointed to no facts that would have justified an extension of reunification services beyond the 18-month period. The two boys had already been out of Father's custody for almost two years, and Father still had not made significant progress with his case plan. This was not the rare case in which additional reunification services beyond the statutory limit were warranted. (See § 366.22, subd. (b) [court may extend reunification services to 24 months in certain unusual circumstances if there is a substantial probability child will be returned to parent within extended time period].)

DISPOSITION

The petition for extraordinary writ is denied on the merits. Our decision is final as to this court immediately. (Cal. Rules of Court, rule 8.490(b)(2)(A).) The stay previously imposed is hereby lifted.

Kline, P.J.

We concur:

Richman, J.

Stewart, J.